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**Federal Communications Commission**  
**Washington, D.C. 20554**

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JUN 1 - 1998

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
 )  
Performance Measurements and )  
Reporting Requirements )  
for Operations Support Systems, )  
Interconnection, and Operator Services )  
and Directory Assistance )

CC Docket No. 98-56  
RM-9101

**COMMENTS OF GTE**

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June 1, 1998

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## **SUMMARY**

GTE supports the Commission's proposal to adopt performance measures and reporting guidelines for operations support systems ("OSS"), operator/directory assistance ("OS/DA"), and various interconnection functions. Non-binding guidelines proposing core performance measurements will provide guidance for states interested in adopting such measures. They also will benefit incumbent local exchange carriers ("ILECs") and competitive local exchange carriers ("CLECs") by promoting similar measurement requirements in each state. Uniformity will assist ILECs by allowing them to develop consistent measurement and reporting systems and software for all of their systems throughout the country, while CLECs will benefit by receiving comparable information on different ILECs' performance. In addition, non-binding guidelines will ensure that states have the flexibility they need to take local conditions and ILEC legacy systems into account in developing their own rules.

In proposing guidelines, the Commission must ensure that it carefully balances the need for sufficient data with the burden that producing such data places on ILECs. Since these guidelines are being developed to assist state commissions, GTE urges the Commission to recommend that performance measurements be reported on a state-wide basis. In addition, GTE agrees with the NPRM that ILECs should only be required to measure the access they provide to CLECs through electronic interfaces. For determining the parity between service the ILEC provides itself and the service they provide to CLECs, the guidelines should only consider electronic interfaces based on industry standards, which are still being developed by the various segments of the industry. ILECs should work with CLECs using manual processes to develop useful

measurements that will allow them to verify that they are receiving non-discriminatory treatment vis-a-vis other CLECs using the same type of access.

GTE generally supports the measurements included in the NPRM. However, in some cases, the proposed measurements do not take into account certain limitations in ILEC systems or other factors that may affect individual ILECs, which GTE has described in its Comments. The Commission should identify these issues in its guidelines so that state commissions can consider whether local conditions require modification of the measurements. In addition, the model guidelines should allow states to develop their own methodologies for evaluating performance measurement results. The purpose of these measurements is to allow state commissions and CLECs to verify that CLECs are receiving non-discriminatory treatment, not to punish ILECs for slight deviations in measurements.

Because of the complexities surrounding reporting and audit issues, the Commission should appoint an industry organization, such as the Alliance for Telecommunications Industry Solutions ("ATIS"), to develop guidelines. This group could consider a standardized database approach to minimize reporting burdens and could address confidentiality issues. GTE also agrees that technical standards for OSS interfaces should be left to ATIS and other groups, to assure that all types of carriers are represented and that any standards are consistent with ILEC legacy systems. However, until the standards are completed and the costs and implementation issues with the new systems are known, the Commission should not recommend a specific time frame for compliance.

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**COMMENTS OF GTE**

GTE Service Corporation and its affiliated domestic telecommunications companies (collectively "GTE")<sup>1</sup> hereby file their Comments in response to the Notice of Proposed Rulemaking issued in the above-captioned docket.<sup>2</sup> The GTE telecommunications companies include both its incumbent local exchange carriers ("ILECs") and its competitive local exchange carriers ("CLECs"). As such, GTE supports the Commission's effort to develop model performance guidelines for operations support systems ("OSS"), operator services/directory assistance ("OS/DA"), and interconnection functions. With the modifications suggested below, the

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<sup>1</sup> GTE Alaska, Incorporated, GTE Arkansas Incorporated, GTE California Incorporated, GTE Florida Incorporated, GTE Hawaiian Telephone Company Incorporated, The Micronesian Telecommunications Corporation, GTE Midwest Incorporated, GTE North Incorporated, GTE Northwest Incorporated, GTE South Incorporated, GTE Southwest Incorporated, Contel of Minnesota, Inc., Contel of the South, Inc., GTE Communications Corporation, GTE Wireless Incorporated, and GTE Airfone Incorporated.

<sup>2</sup> Performance Measurements and Reporting Requirements for Operations Support Systems, Interconnection, and Operator Services and Directory Assistance, CC Docket No. 98-56, RM-9101 (rel. Apr. 17, 1998) ("NPRM" or "Notice").

Commission's proposed performance and reporting requirements may serve as a useful and flexible tool for states that seek to adopt such measurements and may maximize consistency and comparability of performance measures for both ILECs and CLECs.

**I. NON-BINDING PERFORMANCE MEASURES AND REPORTING GUIDELINES MAY BENEFIT STATES AND CARRIERS.**

The Notice seeks comment on the Commission's tentative conclusion to adopt a set of model performance measurement and reporting guidelines for ILEC OSS functions, various interconnection functions, and OS/DA. As the Commission indicates, several states have requested that the agency provide some guidance in this area, and the National Association of Regulatory Utility Commissioners ("NARUC") has adopted a formal resolution urging the Commission to consider promptly the establishment of performance guidelines that can be used by states.<sup>3</sup> GTE supports this approach because it will assist the telecommunications industry and the growing number of states that seek to adopt OSS and/or interconnection-related performance requirements.

Model performance measures will help states that wish to consider implementing performance measures, while permitting them to adopt rules suited to the circumstances within their boundaries. Similarly, model rules give states flexibility to adopt rules that are consistent with each state's approved interconnection agreements, thereby preserving ILECs' and CLECs' contractual rights and the states' role in approving and enforcing those agreements.

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<sup>3</sup> NPRM ¶ 22.

Issuance of precatory guidelines also may benefit both ILECs and CLECs by promoting efficiency and facilitating uniformity regarding performance measurements. To the extent that states choose to adopt the Commission's guidelines in whole or in part, ILECs will be able to develop similar performance and reporting capabilities within their multi-state networks. As a provider of local exchange services that could be subject to performance reporting requirements in 28 states, GTE's ILECs would be able to track and report information more efficiently throughout its operating territory if there were a common baseline level of similarity among state-adopted performance and reporting elements. If each state were to adopt completely unrelated performance measures and reporting requirements, ILEC system programming and distribution costs would increase substantially. Likewise, CLECs will benefit because they will receive relatively similar data from ILECs in many states, which will facilitate the efficient processing and comparison of this large amount of information.

Model guidelines will avoid the numerous problems that Commission-mandated rules could cause. As GTE explained in its Opposition and Reply to the LCI Petition,<sup>4</sup> state public utilities commissions are in the best position to consider the need for performance measurements and reporting requirements to ensure that CLECs receive the non-discriminatory access required by Section 251.<sup>5</sup> State commissions also are

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<sup>4</sup> Opposition of GTE Service Corporation, CC Docket No. 96-98, RM-9101 (filed July 10, 1997); Reply of GTE Service Corporation, CC Docket No. 96-98, RM-9101 (filed July 30, 1997).

<sup>5</sup> The Notice invites comment on whether the Commission has jurisdiction to issue binding performance and reporting rules. NPRM ¶ 25. As GTE explained in its Opposition and Reply to the LCI Petition, Sections 251 and 252 of the 1996 Act leave

(Continued...)

familiar with local ILECs' legacy systems and capabilities, likely CLEC needs, and other local factors that may affect the extent to which performance and reporting rules are required. Flexibility to adapt any model guidelines to particular jurisdictions is critical to ensure that local factors are taken into account.

Further, the adoption of federal performance requirements could upset the balance of privately-negotiated contracts. ILECs and CLECs are bound by their contractual agreements to meet specific responsibilities, which are subject to enforcement by state commissions. In addition, where interconnection agreements have been arbitrated by state commissions, those agencies reached specific conclusions regarding the scope of non-discrimination standards and closely monitor ILEC compliance. The Commission should neither attempt to insert itself into these matters of local concern nor second guess the judgment of the states.

## **II. MODEL GUIDELINES MUST CAREFULLY BALANCE THE BURDENS OF PROVIDING INFORMATION WITH THE INTEREST IN VERIFICATION.**

As the Commission recognizes in the Notice, some form of measurement may be necessary to verify that a CLEC is receiving the same level of service as the ILEC provides to itself, its customers, and its affiliated companies, while balancing the

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(...Continued)

jurisdiction over OSS and interconnection issues to the states. The Eighth Circuit's decision in the *Iowa Utilities Board* case confirmed that the Commission has only limited authority to regulate intrastate matters. Opposition of GTE Service Corporation, CC Docket No. 96-98, RM-9101 (filed July 10, 1997); Reply of GTE Service Corporation, CC Docket No. 96-98, RM-9101 (filed July 30, 1997).

burdens placed on ILECs.<sup>6</sup> Developing systems that track performance information and produce it in a usable format demands significant resources and requires ILECs to change their internal processes and develop new software.<sup>7</sup> Therefore, the Commission must ensure that its guidelines promote the availability of sufficient information to determine whether any discrimination is occurring, without unreasonably burdening ILECs by requiring unnecessary detail.

**A. Performance measurements should be reported on a state-wide basis.**

The NPRM seeks comment on the relevant geographic level for reporting the proposed performance measurements and whether the Commission should adopt a uniform reporting level.<sup>8</sup> In establishing the level of reporting, the Commission should consider that the purpose of these guidelines is to assist states that choose to develop performance measures and reporting requirements. A state-wide reporting approach appropriately satisfies the need for verification without generating the increased costs that would stem from reports that target a smaller geographic area. Further, providing data on a state-wide basis will ensure that measurements accurately represent an ILEC's overall level of service. Although many of the functions GTE's ILECs offer to

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<sup>6</sup> NPRM ¶ 36.

<sup>7</sup> As GTE has emphasized in its prior comments, CLECs are responsible for the costs they impose on ILECs. See Opposition of GTE Service Corporation, CC Docket No. 96-98, RM-9101 at 23-28 (filed July 10, 1997). GTE has spent millions of dollars revising its current systems and developing new ones to satisfy CLEC needs. As the Act makes clear, although CLECs may use ILEC systems to enter the local exchange market, they must compensate ILECs for the costs they impose.

<sup>8</sup> NPRM ¶ 38.

CLECs are provided on a national basis from centralized centers, measurements could be provided on a per-state basis, and state commissions should evaluate information on the same basis.

**B. OSS performance measurements used to determine if ILECs are meeting their nondiscrimination requirements should only be applied to those CLECs that access OSS systems through real-time electronic interfaces.**

GTE agrees with the Commission's tentative conclusion that ILECs should only be required to measure the access they provide CLECs through their electronic interfaces.<sup>9</sup> GTE's ILECs presently offers several options to access OSS capabilities, including manual access (such as telephone and facsimile) and access through an electronic gateway. The availability of these options ensures that GTE can accommodate CLECs' requests for access consistent with each CLEC's technical capabilities. However, for the purpose of measuring parity with legacy OSS systems, only CLECs using Electronic Data Interchange interfaces will have comparable access. Manual access and batch processing methods which are in use today will continue to offer nondiscriminatory access to all OSS functions.

Although constant, detailed measuring of manual processes would be time-consuming and expensive, GTE believes that some meaningful measurements can be compiled for CLECs using manual processes. GTE will work with CLECs that use non-electronic methods to evaluate how to provide statistical data sampling or other measurements on a case-by-case basis. These data can be used to ensure that all

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<sup>9</sup> NPRM ¶ 40.

CLECs using manual processes are receiving the same level of service. However, GTE emphasizes that only when the CLEC uses real-time electronic OSS can access be compared to the service the ILEC provides to itself and its customers.

Further, any proposed comparative measurements should include only those real-time electronic interfaces that offer performance capabilities equivalent to the ILEC's retail operations. The industry is still fine tuning those interfaces representing the industry standards, such as Electronic Data Interchange ("EDI") for order and pre-order processing and Common Management Information Protocol ("CMIP"). Once completed and used as the interface by the CLEC to the ILECs' OSS systems, these real-time electronic interfaces will offer parity with GTE's ILECs' access to their own internal systems. The Alliance for Telecommunications Industry Solutions ("ATIS") has representatives from CLECs and ILECs and has put significant effort and resources into establishing technical standards for numerous local competition-related issues. ATIS has adopted standards for most facets of OSS access and has almost completed its development of the remaining standards. To further promote uniformity, it is the ATIS standards that should be considered for performance measurement purposes.<sup>10</sup>

In light of the above and GTE's suggested modifications to the Commission's proposed guidelines, GTE anticipates that it will be able to collect performance information through electronic coding or other automated mechanisms. However, to the

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<sup>10</sup> While GTE's proprietary interfaces (such as those that use "batch processing") and interim manual procedures offer non-discriminatory access to pre-order, ordering, repair and billing functions, these systems are not capable of being configured to provide parity with industry-standard interfaces. For manual interfaces, data sampling should suffice to ensure that non-discriminatory access is maintained.

extent that any measurement cannot be collected in such a manner, data should be sampled using generally accepted statistical techniques to ensure non-discriminatory access. The frequency of this statistical sampling should occur no more than once per quarter because of the significant burdens such sampling imposes.

**C. With limited exceptions, GTE generally supports the Commission's proposed model performance guidelines.**

In the NPRM, the Commission has proposed detailed model performance measurements for OSS, OS/DA, and various interconnection functions.<sup>11</sup> As discussed below, GTE generally supports these proposals and believes that the Commission has struck a fair balance between producing information needed by CLECs and state commissions while limiting the burden on ILECs. However, in some cases, the Commission's proposed measurements do not take into account certain limitations in ILEC systems or other factors that affect individual ILECs. Identifying these issues in the model guidelines will encourage state commissions to consider how these factors affect ILECs in their states. Therefore, GTE proposes the following revisions to the Commission's proposals:

**1. OSS**

- Pre-ordering –

- ◊ **Average Response Time:** The Commission should clarify that measurements be produced only when the service in question is provided by the ILEC to its retail customers. For example, GTE does not provide appointment scheduling for its own ILEC or CLEC and thus there would not be an Average Response Time to report. The Commission also should clarify that this

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<sup>11</sup> NPRM Appendix A.

measure should commence and terminate at the ILEC's electronic gateway interface. The ILEC is not responsible for the performance of the CLEC's network, or the transmission option selected by the CLEC used to reach the ILEC electronic gateway.

- Ordering/Provisioning –

- ◇ Order Completion Measurements, Order Status Measurements, Held Order Measurements, Installation Troubles Measurement, Order Quality Measurements: Consistent with the Eighth Circuit Court of Appeals' decision,<sup>12</sup> GTE does not combine unbundled elements for CLECs, so GTE cannot produce measurements for this category. Therefore, the Commission should clarify that this measurement only applies to ILECs offering combinations of unbundled elements. In addition, to provide separate measures for interconnection and access orders, the party placing the order must distinguish between interconnection orders and access orders.
- ◇ Order Status Measurements and Held Order Measurements: Average Reject Notices should only be reported in the aggregate. GTE's electronic interface rejects incoming orders automatically for omissions in critical fields, such as names and addresses. If an order is automatically rejected for such reasons, the order start date should be the date upon which complete information is provided. In addition, GTE believes that only dispatched orders should be included in the Average Jeopardy Notice Interval, Percentage of Orders Given Jeopardy Notices, and Average Interval for Held Orders. When service is activated without a dispatch or involves only a record change (such as an address) the order should not be subject to manpower or facility-related measurements.
- ◇ Order Quality Measurements: For the Percentage of Flow Through calculations, GTE believes that ILECs should only report on those services for which industry ordering, billing, and electronic transmission standards have been finalized. Until such standards are developed, it is difficult for ILECs to support electronic transfer of information for new products or complex existing services. As noted above, ATIS is developing standards in a number of areas and GTE expects that these standards should be available in the near future.

- Repair and Maintenance: Consistent with the Eighth Circuit Court of Appeals' decision,<sup>13</sup> GTE does not combine unbundled elements for CLECs so GTE cannot

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<sup>12</sup> *Iowa Utilities Board v. F.C.C.*, 120 F.3d 753 (8<sup>th</sup> Cir. 1997).

<sup>13</sup> *Iowa Utilities Board v. F.C.C.*, 120 F.3d 753 (8<sup>th</sup> Cir. 1997).

produce measurements for this category. Therefore, GTE urges the Commission to clarify that this measurement only applies to ILECs offering combinations of unbundled elements. In addition, the Commission should clarify that CLECs must distinguish interconnection orders from access orders.

## **2. OS/DA**

- **Average Time to Answer:** Unless a CLEC using GTE's network employs customized routing, all ILEC and CLEC OS/DA traffic goes to GTE's operator services center through the same trunks. Therefore, it is impossible for GTE to discriminate against CLEC customers because GTE operators will be unable to differentiate between CLEC and ILEC customer calls. If a CLEC employs customized routing for resale or a facilities-based provider uses GTE OS/DA services under contract, GTE can measure the Average Time to Answer for GTE and all CLEC traffic combined over the common trunks. In both instances, GTE's preference is to report comparative performance information based upon CLEC request. The use of GTE OS/DA services by a facilities-based provider is at that provider's discretion. A reseller with customized routing may: (1) have GTE brand the reseller's OS/DA traffic; (2) internally perform the OS/DA function; or (3) use a third party. The Commission should reconsider the need for a guideline when it is impossible for the ILEC to differentiate between ILEC and CLEC traffic.

## **3. Interconnection**

- **Trunk Blockage:** As with OS/DA, GTE cannot distinguish between ILEC and CLEC traffic on common trunks, so it is impossible to measure ILEC and CLEC trunk blockage separately. GTE also does not control the augmentation of dedicated interconnection trunks that terminate into a GTE location. GTE urges the Commission to reconsider the need to report Common Trunk Group Blockage at all and to clarify that only reporting of GTE terminating dedicated interconnection trunks is required. As with all performance measures, no regulatory body should impose any undue operational or financial hardship on a company by requiring measurements that are not technically feasible or measurements of an element that the ILEC does not provide to its customers.

As shown above, although the Commission's proposed model guidelines generally provide a good balance between the need for detailed performance information and the burden collecting such information places on ILECs, GTE's recommendations will ensure that these guidelines will be flexible and accommodate unique ILEC circumstances.

### **III. STATES SHOULD BE ALLOWED TO DEVELOP THEIR OWN METHODOLOGIES FOR EVALUATING PERFORMANCE MEASUREMENT RESULTS.**

The NPRM seeks comment on whether the Commission "should recommend use of a uniform evaluation process that relies on objective criteria" and whether statistical methodologies or benchmarks should be used to evaluate ILEC compliance with statutory requirements.<sup>14</sup> GTE believes that the Commission should not determine strict methodologies for measuring compliance. As the Commission is aware, statistical measurements can be easily skewed, particularly when the data set is small, as is the case with many of the measurements the Commission has proposed. In addition, the systems used by both ILECs and CLECs for OSS access are relatively new and are still being developed. An isolated problem with an ILEC's OSS system could easily lead to performance measurements which may indicate that potential discrimination is occurring when, in fact, both the ILEC and CLEC have been working diligently to resolve the issue. Because states are most familiar with the ILECs' implementation of systems to facilitate local competition, they are in the best position to determine if ILECs are in compliance with their statutory obligations. Therefore, GTE urges the Commission to allow states to develop their own methodologies for evaluating performance measurement results.

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<sup>14</sup> NPRM ¶¶ 117-123.

#### **IV. THE COMMISSION SHOULD DESIGNATE AN INDUSTRY ORGANIZATION TO ADDRESS STANDARDIZED REPORTING AND AUDITING ISSUES.**

The Commission seeks comment on the types of reporting procedures that will allow states and carriers to monitor effectively ILEC compliance with Section 251 while minimizing the costs and burdens.<sup>15</sup> To this end, the NPRM suggests a general framework whereby ILECs would file regular reports on measured performance criteria with their CLEC customers and perhaps other entities, such as states. The Commission should not adopt reporting rules at this point. Rather, because of the large volume, complexity, and confidentiality of the information at issue, an industry forum with both ILEC and CLEC representation should study these issues.

Given the scope of the Commission's suggested measurements and the number of CLECs operating throughout the country, the costs and burdens associated with preparing and filing reports would be substantial. For example, GTE estimates that it would have to generate approximately 10,000 typewritten pages of information to distribute a report addressing all of the Commission's proposed measurements to each of its 500 existing CLEC customer.<sup>16</sup> The amount of reported information increases substantially to about 30,000 pages when GTE considers the approximately 1,000 interconnection agreements that are pending with other CLECs. In addition, GTE will

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<sup>15</sup> NPRM ¶ 105.

<sup>16</sup> This projected total is based upon GTE's estimate that a single report addressing all of the Commission's proposed measures would be approximately 20-25 typewritten pages in length.

have to devote resources to maintaining a distribution list for these reports and transmitting this information to the relevant parties.

In light of these concerns, GTE suggests that the Commission allow an appropriate industry group to develop less burdensome information reporting alternatives. For example, the Commission could designate a group within the Alliance for Telecommunications Industry Solutions ("ATIS") to address the development of standardized reporting features. One such approach that this group might consider is whether a database system could be developed whereby ILECs would transmit data to a standardized database that would permit authorized users to access measurement data and generate their own reports. This approach may be less burdensome for ILECs, but also beneficial to CLECs and states that receive reports because they could access information and create and tailor reports as necessary.

The designated industry standards organization also could address the confidentiality concerns that arise in data reporting and appropriate auditing mechanisms. GTE agrees that confidentiality of both ILEC and CLEC-specific data must be maintained in any reporting scheme. An industry forum may best consider whether steps such as aggregate reporting of data will adequately address these concerns.

#### **V. TECHNICAL STANDARDS FOR OSS INTERFACES SHOULD BE DEVELOPED BY INDUSTRY ORGANIZATIONS.**

GTE agrees that the Commission need not address the development of uniform technical standards for OSS interfaces and that industry standards organizations

"provide the appropriate fora to develop guidelines for electronic interfaces."<sup>17</sup> As the Commission recognizes, committees composed of industry representatives working under the auspices of ATIS have made substantial progress in developing guidelines for electronic interfaces.<sup>18</sup> To date, ATIS-sponsored committees have established ordering interface standards which are still being updated and fine-tuned. These open industry organizations are the best forum through which standards can be developed because they ensure that the needs of both ILECs and CLECs are considered. They also promote the establishment of standards that are compatible with the ILECs' legacy systems.

In addition, the Commission seeks comment on whether its model guidelines should suggest compliance with industry standards within a certain time after such standards have been finalized by an ATIS committee.<sup>19</sup> Given the uncertainty surrounding the standards and the need for modifications to ILEC systems once a standard is adopted, it is premature to predict a specific timeframe for compliance. The Commission accordingly should decline from adopting specific guidelines in this area.

## **VI. CONCLUSION**

The Commission should issue model performance and reporting guidelines modified as recommended by GTE. Such an approach could guide states' efforts,

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<sup>17</sup> NPRM ¶¶ 127-128.

<sup>18</sup> NPRM ¶ 127.

<sup>19</sup> NPRM ¶ 129.

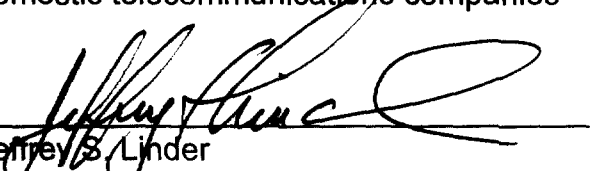
while preserving their flexibility to develop any necessary rules suited to local conditions. Model rules also will benefit ILECs and CLECs by promoting consistency of measurement systems and comparability of the reported data.

Respectfully submitted,

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